

Message Text

LIMITED OFFICIAL USE

PAGE 01 PANAMA 00862 01 OF 03 051433Z

46

ACTION ARA-06

INFO OCT-01 ISO-00 SAB-01 H-01 SS-14 SP-02 L-01 INR-05

/031 W

----- 064333

R 042230Z FEB 76

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 6620

LIMITED OFFICIAL USE SECTION 1 OF 3 PANAMA 0862

STADIS////////////////////////////////////

LIMDIS

E.O. 11652: N/A

TAGS: PFOR, PN

SUBJ: CONGRESSIONAL Q&A'S ON PANAMA III: POLICE UNION NEWSLETTER

FOR ARA/PAN - MINISTER BELL

THIS IS MESSAGE 3 OF THIS SERIES, CONTAINING SUGGESTED
Q&A'S RELATING TO THE CANAL ZONE POLICE UNION NEWSLETTER OF
JANUARY, 1976 TRANSMITTED UNDER BLACKEN-FIRFER LETTER OF
JANUARY 15.

1. Q. WHY DID THE PANAMANIAN NATIONAL GUARD (GN) SEEK TO PLACE
ITS OFFICERS ON 4TH JULY AVENUE WITHIN THE CANAL ZONE DURING
THE CHRISTMAS HOLIDAY? WAS THIS A DELIBERATE TEST OF US
WILLINGNESS TO ASSERT AND MAINTAIN ITS JURISDICTION IN THE
CANAL ZONE?

A. IN MAKING THE REQUEST THAT THE US AUTHORITIES PERMIT
GN PERSONNEL TO OPERATE WITHIN THE CANAL ZONE, THE GN GAVE TWO
GENERAL REASONS FOR THE REQUEST: 1) THAT HOLIDAY TRAFFIC
CONGESTION WITHIN PANAMA CITY, PARTICULARLY AT THE ENTRANCES/
EXITS FROM THE AREA UNDER CANAL ZONE JURISDICTION, WAS
CAUSING SERIOUS INCONVENIENCE WHICH THE GN WISHED TO ALLEVIATE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PANAMA 00862 01 OF 03 051433Z

BY COORDINATED TRAFFIC CONTROL MEASURES; AND 2) THAT IN

THE EVENT ANY STUDENT DEMONSTRATIONS DEVELOPED ON THE OCCASION OF THE 9TH OF JANUARY ANNIVERSARY OF THE 1964 RIOTS, THE GN WISHED TO HAVE ITS PERSONNEL ALREADY PRESENT ON THE ZONE BORDER, RATHER THAN POSSIBLY PROVOKING A DEMONSTRATION BY HAVING THEM SHOW UP THERE SUDDENLY ON THE 9TH.

WITH REGARD TO REASON 1), 4TH OF JULY AVENUE IS A PRINCIPAL TRAFFIC ARTERY FOR PANAMA CITY; IT IS THE SOLE ACCESS ROAD TO THE BRIDGE OF THE AMERICANS FOR VEHICULAR TRAFFIC TO AND FROM THE WESTERN HALF OF PANAMA; PANAMA CITY'S FRESH AGRICULTURAL FOOD SUPPLY IS TRUCKED TO THE CITY DAILY OVER IT; AND DUE TO THE ODD CONFIGURATION OF THE CANAL ZONE AROUND PANAMA CITY, IT IS THE BEST, AND ONE OF THE ONLY, VEHICLE ROADS OUT OF DOWNTOWN. THE US EMBASSY OBSERVED THAT SHOPPING CROWDS IN PANAMA CITY WERE HEAVY BECAUSE OF THE HOLIDAYS, AND THAT THERE WAS INDISPUTABLY A CONSIDERABLE DEGREE OF TRAFFIC CONGESTION THROUGHOUT THIS AREA, INCLUDING THE ENTRANCES TO AND EXITS FROM 4TH OF JULY AVENUE. WITH REGARD TO REASON 2), PRIOR TO JANUARY 9, THE EMBASSY'S ASSESSMENT WAS THAT THERE WAS NO GREAT LIKELIHOOD OF VIOLENT STUDENT DEMONSTRATIONS, AND THAT THE NATIONAL GUARD WOULD ACT IF NECESSARY TO SUPPRESS SUCH DEMONSTRATIONS IF THEY SHOULD OCCUR. THE POLICE UNION NEWSLETTER ALLEGES THAT "...ANY DEMONSTRATIONS WOULD COME AT THE INSTIGATION OF THE NATIONAL GUARD, AND NOT BY ANY SPONTANEOUS STUDENT ACTION." THIS IS FOUNDED UPON A COMMON MISCONCEPTION, LARGELY BASED IN IGNORANCE, THAT NOTHING IN THE PANAMANIAN STUDENT MOVEMENT CAN HAPPEN WITHOUT THE CONSENT OF THE GN. THE GN INDISPUTABLY HAS THE CAPABILITY TO INFLUENCE SOME STUDENT GROUPS, AND HAS DONE SO ON OCCASION IN THE PAST. HOWEVER, THERE ARE SEGMENTS OF THE RADICAL STUDENT MOVEMENT WHICH ARE QUITE ANTI-TORRIJOS AS THEY ARE ANTI-US. AMONG THESE GROUPS, GN CONTROL IS TENUOUS EXCEPT WHEN BASED ON THREAT OR USE OF FORCE TO CONTROL OVERT ACTIONS. THE CHANCE THAT DEMONSTRATIONS MIGHT ARISE WITHOUT WARNING FROM THESE GROUPS COULD NOT, IN THE EMBASSY'S JUDGEMENT, BE RULED OUT. IF A DEMONSTRATION WERE TO OCCUR, THE CANAL ZONE AUTHORITIES WOULD SEEK THE ASSISTANCE OF THE GN TO CONTROL ANY ATTEMPTED INCURSION INTO THE ZONE --THE GN WERE, OF COURSE, AWARE OF THIS. THUS, THE GN REQUEST PROBABLY REPRESENTED ITS OWN ASSESSMENT OF THE BEST AVAILABLE WAY BOTH TO AVOID PROVOKING A DEMONSTRATION BY OPENLY EXPECTING ONE, LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PANAMA 00862 01 OF 03 051433Z

AND TO BE PREPARED TO CONTROL ONE IF IT SHOULD OCCUR. SINCE 1903, PANAMA HAS CONSISTENTLY DISPUTED US ASSERTION OF UNRESTRICTED UNILATERAL JURISDICTION WITHIN THE CANAL ZONE, AND HAS REGULARLY SOUGHT TO LIMIT AND, IF POSSIBLE, REDUCE THE OUTWARD MANIFESTATIONS OF SUCH JURISDICTION. THIS HAS BEEN SO CONSISTENT THAT IT UNDOUBTEDLY PLAYED A PART IN PANAMA'S DECISION TO PRESENT THIS REQUEST. HOWEVER, IT IS THE EMBASSY'S JUDGEMENT THAT THIS WAS NOT THE PRINCIPAL REASON

FOR THE PANAMANIAN GOVERNMENT REQUEST.

2. Q. DID US AGREEMENT, IN PART, TO THIS REQUEST REPRESENT ANY REDUCTION IN OUR LEGAL JURISDICTION IN THE CANAL ZONE? DID IT CONSTITUTE AN AGREEMENT TO DO THIS IN ANTICIPATION OF THE TERMS OF A NEW CANAL TREATY?

A. NO, IT HAD NOTHING TO DO WITH THE TREATY NEGOTIATIONS. DECISION ON THIS REQUEST WAS STRICTLY WITHIN THE AUTHORITY OF THE GOVERNOR OF THE CANAL ZONE; THE NEGOTIATORS WERE NOT CONSULTED. AS WE UNDERSTAND IT, THE GOVERNOR'S DECISION REPRESENTED A LIMITED AND SPECIFIC RESPONSE TO A SINGLE SITUATION, AND DOES NOT IN ANY WAY IMPLY A REDUCTION OR LIMITATION OF THE RIGHTS OF THE UNITED STATES UNDER ITS EXISTING TREATY ARRANGEMENTS WITH THE REPUBLIC OF PANAMA.

3. Q. THE POLICE UNION VOICED DOUBTS THAT THE GN WOULD LEAVE AFTER JANUARY 9 WITHOUT BEING COMPELLED TO DO SO. DID THE ARRANGEMENT WE ARE DISCUSSING IN FACT TERMINATE AFTER JANUARY 9? ARE THE GN STILL OPERATING WITHIN THE CANAL ZONE?

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 PANAMA 00862 02 OF 03 051446Z

46

ACTION ARA-06

INFO OCT-01 ISO-00 SAB-01 H-01 SS-14 SP-02 L-01 INR-05

/031 W

----- 064517

R 042230Z FEB 76

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 6621

LIMITED OFFICIAL USE SECTION 2 OF 3 PANAMA 0862

STADIS//////////

LIMDIS

A. THE ARRANGEMENT UNDER DISCUSSION TERMINATED, AND THE GN "OBSERVERS" WHO HAD BEEN ACCOMPANYING CANAL ZONE POLICE WERE WITHDRAWN, AFTER JANUARY 9. THE EMBASSY WAS INFORMED BY

THE CANAL ZONE AUTHORITIES THAT THIS WAS DONE BY THE GN WITHOUT ANY SPECIAL REQUEST OR PRESSURE. GN VEHICLES AND/OR INDIVIDUAL PATROLMEN CONTINUE TO BE REGULAR USERS OF 4TH OF JULY AVENUE; ALTHOUGH LYING JUST WITHIN THE CANAL ZONE, THIS IS ONE OF THE MAIN STREETS OF PANAMA CITY. IT IS THE MOST PRACTICAL ROUTE FOR VEHICLES PROCEEDING FROM A NUMBER OF LOCATIONS, INCLUDING THE GN HEADQUARTERS, TO OTHER POINTS IN PANAMA CITY, AND IT IS THE ONLY WAY FOR VEHICLES TO REACH THE WESTERN HALF OF THE REPUBLIC. OCCASIONAL QUESTIONS OF WHICH PARTY SHALL EXERCISE JURISDICTION OVER A GIVEN EVENT TAKING PLACE ON THE BORDER ARE NORMALLY RESOLVED BY ONGOING DIRECT LIAISON BETWEEN THE GN AND THE CANAL ZONE POLICE, WITHOUT THE INTERVENTION OF THE EMBASSY.

4. WHAT WOULD OUR REACTION BE IF ANOTHER SUCH REQUEST WERE FORTHCOMING FROM THE GN? WOULD THE EMBASSY FAVOR GRANTING IT?

A. WE HAVE NO INDICATION THAT THE PANAMANIAN AUTHORITIES ARE CONSIDERING A REPETITION OF THIS REQUEST, SO THE QUESTION LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PANAMA 00862 02 OF 03 051446Z

IS STRICTLY HYPOTHETICAL. IF SUCH A REQUEST WERE MADE, IT WOULD BE WITHIN THE SOLE COMPETENCE OF THE GOVERNOR OF THE CANAL ZONE TO ACT ON IT, IN ACCORDANCE WITH OUR EXISTING TREATY RELATIONSHIP WITH PANAMA; THE EMBASSY MIGHT OR MIGHT NOT BE ASKED FOR ITS ADVICE.

5. Q. IS THE EMBASSY, OR THE NEGOTIATORS OR THE DEPARTMENT OF STATE, CONSIDERING IN ANY WAY MAKING AN ARRANGEMENT SUCH AS THIS A PERMANENT THING, IN ANTICIPATION OF THE FACT THAT A NEW TREATY WOULD PRESUMABLY PROVIDE FOR PANAMANIAN JURISDICTION IN THIS AREA?

A. NO. LEGAL, AND POLICE, JURISDICTION IN THE PRESENT CANAL ZONE IS A MATTER TO BE DEALT WITH IN THE NEW TREATY ITSELF, AND WE ARE NOT TRYING TO ANTIIPATE ITS TERMS.

6. Q. THE POLICE UNION NEWSLETTER MAKES VARIOUS ALLEGATIONS ABOUT THE CONDUCT AND CAPABILITIES OF THE PANAMANIAN NATIONAL GUARD. IN PARTICULAR, IT ALLEGES OFFENSIVE AND UNPROFESSIONAL CONDUCT, UNDUE USE OF FIREARMS (I.E., "TRIGGER-HAPPY"), AND STRONGLY IMPLIES A GENERAL CLIMATE OF BRUTALITY (E.G., ALLEGATION THAT GN HAVE BEEN ISSUED RUBBER HOSES AND TOLD TO USE THEM). WOULD YOU CARE TO COMMENT?

A. THIS ALLEGATION BREAKS INTO TWO PARTS, AND I WOULD LIKE TO SPEAK ABOUT THEM IN TURN. FIRST, AS REGARDS ITS TREATMENT OF AMERICAN CITIZENS: IN THE PAST TWO AND A HALF YEARS (FYI: WITHIN MEMORY OF THE CURRENT CHIEF OF THE EMBASSY'S

CONSULAR SECTION END FYI), THERE HAS NEVER BEEN AN INSTANCE OF AN AMERICAN CITIZEN SHOT BY THE GN. THERE HAS BEEN ONE CASE, QUITE RECENTLY, OF AN AMERICAN CITIZEN WHO ALLEGED THAT HE WAS FIRED AT, BUT NOT HIT, BY THE GN WHILE BEING PURSUED AFTER HE FLED POLICE CUSTODY. DURING THE SAME PERIOD, THE EMBASSY IS AWARE OF TWO CASES IN WHICH AMERICAN CITIZENS WERE PHYSICALLY MISTREATED BY THE GN WHILE IN JAIL AFTER BEING ARRESTED ON NARCOTICS CHARGES. WE KNOW OF ONLY ONE OR TWO OTHER CASES WHERE SUCH MISTREATMENT HAS BEEN ALLEGED, ALSO BY INDIVIDUALS ARRESTED ON NARCOTICS CHARGES. IN BOTH OF THE CASES WHERE PHYSICAL MISTREATMENT WAS CONFIRMED TO AMERICAN CONSULAR OFFICIALS, THE EMBASSY REGISTERED DIPLOMATIC PROTESTS WITH THE PANAMANIAN AUTHORITIES. SPEAKING LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PANAMA 00862 02 OF 03 051446Z

IN GENERAL TERMS, AND IN SPITE OF OCCASIONAL LAPSES, THE EMBASSY CONSIDERS THAT PANAMA GENERALLY MAKES AN EFFORT TO COMPLY WITH ITS OBLICATIONS UNDER RELEVANT INTERNATIONAL NORMS (E.G., VIENNA CONVENTION ON CONSULAR RELATIONS) REGARDING TREATMENT OF AMERICAN CITIZENS IN PANAMA. ALTHOUGH SUCH MATTERS ARE EXTREMELY DIFFICULT TO QUANTIFY, IT IS THE PERSONAL AND IMPRESSIONISTIC JUDGEMENT OF CONSULAR OFFICIALS OF THE EMBASSY IN PANAMA THAT PANAMA'S PERFORMANCE IN THIS REQUEST, IN PARTICULAR AS IT RELATES TO THE CONDUCT OF THE GN, IS AT LEAST AS GOOD AS, AND IS PROBABLY SOMEWHAT BETTER THAN, THE NORM IN LATIN AMERICA.

WITH REGARD TO THE GN'S TREATMENT OF PANAMANIAN CITIZENS, THE EMBASSY HAS HEARD UNSUBSTANTIATED STORIES ALLEGING MISTREATMENT AND/OR BRUTALITY AT THE HANDS OF THE GN. SUCH STORIES, WHETHER THE ORIGINATE IN PANAMA ITSELF OR WITHIN THE CANAL ZONE, HAVE NORMALLY PROVEN DIFFICULT IN THE EXTREME TO PIN DOWN TO ACTUAL FACT. INCIDENTS OF MISTREATMENT, OR UNDUE USE OF FIREARMS, UNDOUBTEDLY DO OCCUR--AS THEY DO IN ANY POLICE FORCE, IN ANY SOCIETY, INCLUDING OUR OWN. WE DO NOT CONDONE SUCH INCIDENTS, BUT RECOGNIZE THERE IS NO SUCH THING AS PERFECTION IN THIS REGARD. WE ARE AWARE THAT THE GOVERNMENT OF PANAMA HAS BEEN SEEKING OVER A PERIOD OF TIME TO SYSTEMATICALLY UPGRADE THE STANDARDS OF EDUCATION, TRAINING AND CONDUCT OF THE GN, RECOGNIZING AS IT DOES THAT STANDARDS WHICH MAY HAVE BEEN ACCEPTABLE YEARS AGO CAN NO LONGER APPLY IN TODAY'S WORLD. THE EMBASSY HAS SEEN NOTHING TO INDICATE THAT THOSE INCIDENTS WHICH HAVE OCCURED OF MISTREATMENT, UNDUE USE OF FIREARMS OR OTHER UNACCEPTABLE CONDUCT REPRESENT A POLICY OF THE PANAMANIAN GOVERNMENT.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 PANAMA 00862 03 OF 03 051458Z

46

ACTION ARA-06

INFO OCT-01 ISO-00 SAB-01 H-01 SS-14 SP-02 L-01 INR-05

/031 W

----- 064828

R 042230Z FEB 76

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 6622

LIMITED OFFICIAL USE SECTION 3 OF 3 PANAMA 0862

STADIS//////////

LIMDIS

7. Q. DOES NOT THE EXISTENCE OF SUCH MISCONDUCT, ACTUAL OR POTENTIAL, WITHIN THE GN POSE A HAZARD FOR AMERICAN RESIDENTS OF THE CANAL ZONE, EMPLOYEES OF THE CANAL? DOES THIS NOT ARGUE IN FAVOR OF RETENTION OF US LEGAL JURISDICTION TO PROTECT THESE EMPLOYEES FROM THE GN?

A. AT PRESENT, SOME 6000-7000 OR MORE AMERICAN RESIDE IN THE REPUBLIC OF PANAMA PROPER, THE VAST MAJORITY BY THEIR OWN CHOICE. THEY INCLUDE THE STAFF OF THE US EMBASSY AND OTHER US GOVERNMENT ORGANIZATIONS (INCLUDING THE GAO) REPRESENTED HERE, MANY AMERICANS IN BUSINESS FOR THEMSELVES, MANY AMERICAN EMPLOYEES OR REPRESENTATIVES OF AMERICAN BUSINESS FIRMS, PARTICULARLY BANKS, AND OVER A THOUSAND FORMER CANAL COMPANY EMPLOYEES WHO HAVE VOLUNTARILY CHOSE TO RETIRE ON THE ISTHMUS AND LIVE IN THE REPUBLIC, RATHER THAN RETURNING TO THE US. THERE HAS BEEN NO PATTERN OF HARRASSMENT, OR UNACCEPTABLE CONDUCT BY THE GN, WHICH POSES ANY THREAT TO THIS COMMUNITY. THE FACT THAT THESE PEOPLE CHOOSE TO LIVE IN PANAMA WOULD SEEM TO INDICATE THAT THEY DO NOT PERCEIVE A THREAT TO THEMSELVES. IN GENERAL TERMS, AMERICAN CITIZENS, AND SPECIFICALLY US GOVERNMENT EMPLOYEES, LIVING AND WORKING IN THE REPUBLIC OF PANAMA PROBABLY ENJOY CONDITIONS OF OF PHYSICAL AND PERSONAL SAFETY AND SECURITY COMPARABLE, IF NOT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PANAMA 00862 03 OF 03 051458Z

SUPERIOR, TO THOSE ENJOYED BY MOST US GOVERNMENT EMPLOYEES
IN FOREIGN COUNTRIES.
GONZALEZ

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLICATIONS, REPORTS, INTERNATIONAL CANALS, POLICE FORCES
Control Number: n/a
Copy: SINGLE
Draft Date: 04 FEB 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PANAMA00862
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760044-0294
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760283/aaaacuwj.tel
Line Count: 335
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: LIMDIS, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: LIMDIS
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: LIMDIS; LIMDIS, STADIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 26 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 MAR 2004 by CollinP0>; APPROVED <27 MAY 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONGRESSIONAL Q&A'S ON PANAMA III: POLICE UNION NEWSLETTER FOR ARA/PAN - MINISTER BELL
TAGS: PFOR, PN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006